IN THE UNITED STATES PATENT AND TRADEMARK OFFICE In re Application of: NIELSEN, et al. Art Unit: 1647 Examiner: DEBERRY, R. Serial No.: 09/845,716 Washington, D.C. Filed: May 2, 2001 For: USE OF A-MSH AND EPO FOR PREVENTING OR TREATING... Atty.'s Docket: NIELSEN=3A Confirmation No.: 3819 Date: May 12, 2005 U.S. Patent and Trademark Office Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314 Transmitted herewith is an [XX] Amendment [XX] <u>Declaration of Thomas Jonassen</u> in the above-identified application. [] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted. Small entity status of this application under 37 CFR 1.9 and 1.27 has been previously asserted. A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.] No additional fee is required. The fee has been calculated as shown below: Other Than a Small Entity (Col. 2) (Col. 3) Small Entity (Col. 1) Additional Additional Rate Highest No. Present Rate Claims Remaining After Paid For Amendment Ś x 50 \$ Total Minus 20 x 25 10 2 Minus 3 x100 \$ x200 Ś Indep. \$ +360 Ś First Presentation of Multiple Dependent Claim \$ \$ Total TOTAL ADDITIONAL CLAIMS FEE /* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
**. If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. I of a prior amendment of the number of claims originally filed. [XX] Conditional Petition for Extension of Time If any extension of time for a response is required applicant requests that this be considered a petit [XX] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below: Small Entity Other Than Small Entity Response Filed Within Response Filed Within First - \$ 120.00 [XX] First - \$ 60.00 1 Second - \$ 450.00 Second -\$ 225.00 ſ [] -1 Third \$ 510.00 Ε 1 Third - \$1020.00 - \$1590.00 \$ 795.00 Fourth Fourth -[1] Fifth Fifth \$1080.00 ſ 1 - \$2160.00 F 1) already paid for months extension of time on [] Less fees (\$ [] Please charge my Deposit Account No. 02-4035 in the amount of \$_____. A duplicate copy of this sheet is attached. A check in the amount of \$_____ is attached (check no. [XX] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$60.00 is attached. [XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR Section 1.18. BROWDY AND NEIMARK, P.L.L.C. Attorneys for Applicant (s) 05/13/2005 SZEWDIE1 00000068 09845716

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MAY 1 2 2005 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE In re Application of:) Art Unit: 1647

In re Application of:

NIELSEN, et al.

Serial No.: 09/845,716

Filed: May 2, 2001

For: USE OF α-MSH AND EPO FOR PREVENTING OR TREATING ISCHEMIC CONDITIONS

Art Unit: 1647

Examiner: DEBERRY, REGINA

May 12, 2005

Docket No.: NIELSEN=3A

Confirmation No.: 3819

AMENDMENT UNDER RULE 1.115

U.S. Patent and Trademark Office Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

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Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 4 of this paper.